

STATE OF INDIANA)

COUNTY OF HAMILTON)

IN RE: SAMUEL TONEY, M.D.

Respondent.

FILED

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CLERK, HAMILTON COUNTY COURTS

IN THE HAMILTON CIRCUIT COURT

AVC NO. 07-044

MISCELLANEOUS DOCKET
NO. 29 D 01 07 10 MI 1225

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Matt Light, and the Respondent, Samuel Toney, M.D., enter into an Assurance of Voluntary Compliance ("Assurance"), pursuant to Indiana Code §24-5-0.5-7.

Any violation of the terms of this Assurance constitutes *prima facie* evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. Respondent, Samuel Toney, M.D. ("Toney"), is an Indiana resident with a principal residence at 5001 Williams Circle, Carmel, Indiana 46033. In the ordinary course of business, Toney acted as a family physician practitioner with a principal place of business at 277 East Carmel Drive Suite C, Carmel, Indiana 46032.

2. The terms of this Assurance apply to and are binding upon Respondent, his employees, agents, subsidiaries, representatives, successors, and assigns.

3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code § 4-6-9-4, Ind. Code § 24-5-0.5-1 et seq., Ind. Code § 24-4-14-1 et seq., and Ind. Code § 24-4.9.-1-1 et seq.

4. Any term used in this Assurance that is explicitly defined by Ind. Code § 24-4.9-2, Ind. Code § 24-4-14, or Ind. Code § 24-5-0.5-2 has the meaning set forth by those statutes.

5. Respondent agrees to maintain all personal information in his possession relating to patients, employees, and job applicants in a manner that reasonably ensures the security, confidentiality, and integrity of the information.

6. Respondent agrees to encrypt and/or redact personal information of patients, employees, and job applicants maintained by Respondent to the extent reasonably necessary to ensure the security, confidentiality, and integrity of the information.

7. Respondent agrees to refrain from disclosing the Social Security numbers of employees, patients, and job applicants if identification of the person can be established by other means. This paragraph does not prohibit the disclosure of Social Security numbers for purposes of complying with a state or federal statute, court order, warrant, civil investigative demand, or subpoena.

8. Respondent shall not dispose of the unencrypted, unredacted personal information of a patient, employee, or job applicant without shredding, incinerating, mutilating, erasing, or otherwise rendering the information illegible or unusable.

9. Respondent agrees to notify, without unreasonable delay after being notified or discovering a breach of the security of a system, Indiana residents whose personal information was or may have been acquired by an unauthorized individual if the unauthorized acquisition constituting the breach has resulted in or could result in identity deception, identity theft, or fraud affecting the Indiana resident.

10. Upon execution of this Assurance, Respondent shall pay investigative costs in the amount of Seven Hundred Fifty Dollars (\$750.00) to the Office of the Attorney General.

11. Respondent shall not represent that the Office of the Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

12. Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

13. The Office of the Attorney General shall file this Assurance with the Circuit Court of Hamilton County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

DATED this 16 day of October, 2007.

STATE OF INDIANA

STEVE CARTER
Attorney General of Indiana

RESPONDENT

Samuel E. Toney
SAMUEL TONEY, M.D.

By:

Matt J. Light
Matt Light
Deputy Attorney General
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Office of Attorney General
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Indianapolis, Indiana 46204
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Printed

SAMUEL E. Toney

Signed

Samuel E. Toney

APPROVED this 5 day of November, 2007.

Steven R. Nation

Judge, Hamilton County Circuit Court